

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
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R 261752Z MAY 78
FM AMEMBASSY MADRID
TO SECSTATE WASHDC 4732

C O N F I D E N T I A L SECTION 01 OF 02 MADRID 05978

E.O. 11652: XGDS-1
TAGS: PINT, SP
SUBJECT: CONSTITUTION TAKES CONTROVERSIAL JUMP FORWARD

REF: MADRID 3924 AND PREVIOUS

1. SUMMARY: CONSIDERATION OF THE CONSTITUTION TOOK A CONTROVERSIAL JUMP FORWARD MAY 23 AS A PACT PREVIOUSLY WORKED OUT (PRINCIPALLY BY THE GOVERNMENT UCD AND THE OPPOSITION SOCIALIST PSOE) COVERING OVER 25 ARTICLES WAS APPROVED BY THE LOWER HOUSE CONSTITUTIONAL COMMITTEE. THE ARTICLES COVERED IN THE SPECIAL AGREEMENT INCLUDED SOME OF THE MOST CONTROVERSIAL, BUT MUCH OF THE OBJECTION WHICH AROSE, PRINCIPALLY FROM THE CONSERVATIVE ALIANZA POPULAR (AP), FOCUSED ON THE SMOKE-FILLED-ROOM PROCEDURE UTILIZED. WHILE THE AP AND BASQUE REPS WALKED OUT IN PROTEST, THERE IS HOPE THAT THEY WILL NOT SIT OUT THE PROCESS INDEFINITELY. IN THE MEANTIME, THE COMMITTEE HAS VOTED APPROVAL OF PORTIONS OF THE DRAFT CONSTITUTION WHICH HAD FIGURED TO OCCASION SERIOUS CONTENTION, AND THE PROCESS, SO FAR SOMEWHAT STATELY, HAS MADE A RAPID ADVANCE. END SUMMARY.

2. THE COMMITTEE, WHICH HAD BEEN COMPLETING SOME TWO TO EIGHT ARTICLES PER SESSION, HAD ENDED ITS LAST MEET-
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ING AS IT APPROACHED ARTICLE 26, COVERING THE DISPUTED EDUCATION ISSUE. PRIOR TO THE SUBSEQUENT SESSION, UCD AND PSOE REPS MET (WITH SECOND VICE PRESIDENT AND SUAREZ CONFIDANT FERNANDO ABRIL LEADING THE UCD SIDE) AT DINNER MAY 22 TO CONSIDER NEXT STEPS. THE COMPROMISE THAT RESULTED WAS SUBSEQUENTLY JOINED IN BY THE OTHER PARLIAMENTARY GROUPS (DESPITE GENERALIZED GRUMBLING AT

THIS LATEST INSTANCE OF TWO-PARTY "CONDOMINIUM") WITH THE EXCEPTIONS OF THE BASQUE GROUP (AND BASQUE LEFTIST DEPUTY LETAMENDIA), WHICH PROTESTED THIS MANNER OF PROCEEDING AND WALKED OUT OF THE MAY 23 COMMITTEE SESSION, AND THE AP, WHICH STAYED TO ARGUE SUBSTANCE AND THEN WALKED OUT, ALSO BLASTING THE METHODS USED AND DECLARING THE AP GROUP WOULD MEET THE NEXT DAY TO CONSIDER FURTHER ACTIONS. THE RESULT OF THAT MEETING WAS RATIFICATION OF THE WITHDRAWAL AND A SHARP STATEMENT SCORING "UCD-MARXIST CONSENSUS".

3. SOME UCD MEMBERS WERE ALSO UNHAPPY (ONE IN FACT RESIGNED HIS COMMITTEE SEAT), GRUMBLING THAT THEY HAD IN EFFECT BEEN OUT-BARGAINED. MOST COMMENT, HOWEVER, HAS EMPHASIZED THE COMPROMISE NATURE OF THE OUTCOME, WITH GAINS AND LOSSES FOR BOTH SIDES.

4. THE ARTICLES COVERED (FROM THE LAST TWO PARAGRAPHS OF ARTICLE 24 THROUGH ARTICLE 50) TREATED NOT ONLY THE NOTORIOUSLY CONTROVERSIAL EDUCATION ISSUE BUT SUCH OTHER HOT ITEMS AS LABOR AND EMPLOYER RIGHTS, MILITARY SERVICE (AND CONSCIENTIOUS OBJECTION), "FREEDOM OF ENTERPRISE WITHIN THE FRAMEWORK OF A MARKET ECONOMY", MARRIAGE (AND "DISSOLUTION" THEREOF), GENERAL SOCIAL RIGHTS, AND THE SUSPENSION OF CERTAIN CONSTITUTIONAL RIGHTS IN CASE OF STATE OF EXCEPTION OR SIEGE. (ON EDUCATION, IN BRIEF, CONFIDENTIAL

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STATE SUPPORT IS TO BE PROVIDED FOR PRIVATE SCHOOLS MEETING LEGAL REQUIREMENTS, AND FREEDOM TO ESTABLISH PRIVATE SCHOOLS IS RECOGNIZED. REACTION FROM THE PRIVATE EDUCATION SECTOR HAS BEEN MIXED, WITH SOME EXPRESSING ACCEPTANCE AND OTHERS FINDING THE LANGUAGE INADEQUATELY STRONG AND PRECISE.)

5. THE NEED FOR FURTHER WORK ON THE SUBCOMMITTEE DRAFT COVERING THESE POINTS HAD LONG BEEN RECOGNIZED BY BOTH UCD AND PSOE LEADERS, WHO HAD EACH SEPARATELY EXPRESSED CONCERN TO US PRIVATELY THAT THE OTHER SIDE MIGHT NOT SHOW THE NECESSARY FLEXIBILITY AND RESPONSIBILITY. SOME CONCERN HAD ALSO ARISEN MORE RECENTLY ABOUT THE NUMBER OF 19-17 COMMITTEE VOTES (I.E. UCD AND AP AGAINST THE OTHERS) THAT HAD BEGUN TO OCCUR IN A PROCESS FOR WHICH CONSENSUS HAS BEEN THE WATCHWORD. IN THE EVENT, COMPROMISE WAS REACHED, BUT AT SOME COST TO ORDERLY PROCEDURE AND TO OVERALL CONSENSUS. THE METHOD USED HAS GENERATED RESENTMENT, AND SOME EDITORIAL COMMENT HAS NOTED THAT A LESS HASTY AND SECRETIVE PROCEDURE SHOULD HAVE BEEN ABLE TO PRODUCE COMPARABLE RESULTS.

6. AS TO PATCHING UP THE DAMAGE DONE TO CONSENSUS, THERE IS SOME CONFIDENCE REGARDING THE AP, WHICH IS AWAITING THE RETURN FROM THE US OF ITS PRINCIPAL LEADER (AND REPRESENTATIVE ON THE SUBCOMMITTEE WHICH PRODUCED THE DRAFT), MANUEL FRAGA, AND IS IN THE MEANTIME KEEPING ITS COUNSEL. TO THE EXTENT THAT THE AP WALKOUT HEARKENS BACK TO THE PARTY'S CONTENTIOUS (AND NOTORIOUSLY COUNTER-

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C O N F I D E N T I A L SECTION 02 OF 02 MADRID 05978

PRODUCTIVE) ELECTION CAMPAIGN OF LAST YEAR, AND THUS RUNS COUNTER TO SUBSEQUENT AP EFFORTS TO PROJECT A MORE MODERATE IMAGE, THERE IS HOPE THAT HAVING SENT A STRONG SIGNAL OF ITS DISCONTENT, IT WILL PUT AN EARLY END TO ITS SELF-IMPOSED SIDELINING AND RETURN TO THE COMMITTEE'S WORK.

7. AS FOR THE BASQUE (PNV) GROUP AND ITS ONE REPRESENTATIVE ON THE COMMITTEE, IT IS ALSO EXPECTED TO REJOIN THE GAME. WE NOTE, HOWEVER, THAT ITS WITHDRAWAL, EVEN IF TEMPORARY, IS A WARNING SIGN OF TROUBLESOME POTENTIAL. RECENT CONTACTS IN THE BASQUE AREA BY THE POLITICAL COUNSELOR HAVE REVEALED THAT THE LEFTIST BASQUE GROUP EUZKADIKO ESQUERRA (EE, WHICH HAS ONE CONGRESSMAN) WILL OPPOSE THE CONSTITUTION IN REFERENDUM ON THE GROUNDS THAT IT INCLUDES NO POSSIBILITY, NO MATTER HOW REMOTE, OF EVENTUAL BASQUE INDEPENDENCE. IF THE PNV WERE TO JOIN THE EE IN SUCH A CAMPAIGN, THE CONSTITUTION MIGHT WELL BE DEFEATED IN VIZCAYA AND GUIPUZCOA PROVINCES, A MAJOR EVENT THAT WOULD DO MUCH TO VITIATE THE POSITIVE EFFECTS OF THE CONSTITUTION'S ASSUMED VICTORY ELSEWHERE. FOR NOW, AT LEAST, HOWEVER, THE PNV APPEARS ONLY TO BE FLAGGING ITS CONCERN.

8. SHOULD THE COMMITTEE MEET AGAIN SOON WITH ALL
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MEMBERS PRESENT AND VOTING, THE ARCHITECTS OF THE
SPEEDED-UP PROCEDURE WILL DOUBTLESS FEEL TEMPTED TO
TRY IT AGAIN, AND TALK IS ALREADY AROUND OF APPLYING
IT TO THE DIFFICULT, SENSITIVE AUTONOMY ISSUE (IN WHICH
CASE THE PNV AND CATALAN REPRESENTATIVES WOULD PRESUMABLY
HAVE PROMINENT ROLES). IT IS EASY TO SYMPATHIZE WITH
THIS APPROACH, FOR PRE-PACKAGING MANY ARTICLES AT ONCE
HAS THE ADVANTAGE NOT ONLY OF BROADENING THE BASIS FOR
COMPROMISE BUT OF SPEEDING UP CONSIDERABLY A PROCESS
WHICH HAS BEGUN TO SEEM UNACCEPTABLY STATELY: THERE IS
TOO MUCH URGENT BUSINESS THAT FIRST NEEDS A CONSTITU-
TION IN PLACE. WITH THIS LATEST ROUND, SOME WORRISOME
HURDLES HAVE BEEN CLEARED, AND THE PROCESS OF GETTING
A CONSTITUTION HAS MADE A RAPID ADVANCE. EATON

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